

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 STEVEN KINFORD,

Case No. 2:18-cv-01890-RFB-EJY

4 Plaintiff,

5 v.

6 SHANNON MOYAL,

7 Defendant. **ORDER**

9 Before the Court are what appear to be largely identical Motions to Seal Exhibits filed by
 10 Defendant at ECF Nos. 207 and 211. The Motions asks to seal Exhibits A, B, C, and D that were
 11 filed in opposition to Plaintiff's motions for injunctive relief filed at ECF Nos. 198 and 203. *See* 207
 12 at 2; 211 at 2. The Exhibits were filed twice; that is, once in response to Plaintiff's Motion for
 13 Temporary Restraining Order (ECF No. 206), and a second time in response to Plaintiff's Motion for
 14 Preliminary Injunction (ECF No. 210). Further, despite the fact that the Exhibits Defendant seeks to
 15 seal are Plaintiff's medical records, Defendant says allowing Plaintiff to have copies of these records
 16 in his cell is a security risk. No basis for why these records would cause a security risk is offered
 17 other than a reference to a generally applicable Administrative Regulation.

18 As the party seeking to seal a judicial record, Defendant must meet its burden of overcoming
 19 the strong presumption in favor of access and public policies favoring disclosure. *Kamakana v. City*
and Cnty. of Honolulu, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (holding that those who seek to
 21 maintain the secrecy of documents attached to dispositive motions must meet the high threshold of
 22 showing that "compelling reasons" support secrecy). "Many courts have applied the compelling
 23 reasons standard to ... temporary restraining orders" and motions seeking preliminary injunctive
 24 relief. *Ctr. for Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092, 1096 n.2 (9th Cir. 2016)
 25 (collecting cases); *see also Selling Source, LLC v. Red River Ventures, LLC*, Case No. 2:09-cv-01491-
 26 JCM-GWF, 2011 WL 1630338, at *5 (finding requests for preliminary injunctive relief should be
 27 treated as dispositive motions for purposes of sealing court records) (D. Nev. Apr. 29,
 28

1 2011). Compelling reasons for maintaining secrecy of records filed with the Court requires
2 demonstration that the publicly filed document has the potential to become a vehicle for improper
3 purposes, including use of records to gratify private spite, promote public scandal, disseminate
4 libelous statements, or circulate trade secrets. *Nixon v. Warner Commc'ns*, 435 U.S. 589, 598
5 (1978). Importantly, medical privacy also meets the compelling reason standard. *See, e.g., San*
6 *Ramon Regional Med. Ctr., Inc. v. Principal Life Ins. Co.*, 2011 WL89931, at *n. 1 (N.D. Cal. Jan.
7 10, 2011); *Abbey v. Hawaii Employers Mut. Ins. Co.*, 2010 WL4715793, at *1–2 (D.HI. Nov. 15,
8 2010); *G. v. Hawaii*, 2010 WL 267483, at *1–2 (D. HI. June 25, 2010); *Wilkins v. Ahern*, 2010
9 WL3755654 (N.D. Cal. Sept. 24, 2010); *Lombardi v. Tri West Healthcare Alliance Corp.*, 2009 WL
10 1212170, at *1 (D. Ariz. May 4, 2009).

11 The Court has considered Defendant's Motions and the documents sought to be sealed. The
12 Court finds medical records are properly sealed as they contains personal information regarding
13 Plaintiff that should not be disclosed to the public.

14 IT IS HEREBY ORDERED that Defendant's Motions for Leave to File Exhibits Under Seal
15 (ECF No. 207 and 211) are GRANTED.

16 IT IS FURTHER ORDERED that Exhibits A, B, C, and D to ECF Nos. 206 and 210 are
17 sealed.

18 IT IS FURTHER ORDERED that Defendant shall immediately mail a copy of these Exhibits
19 to the Warden of the instruction in which Plaintiff is housed who **must** allow Plaintiff to retrieve the
20 same and keep them in his cell for purposes of preparing his Reply.

21 DATED this 26th day of May, 2022.

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ELAYNA J. YOUCAH
UNITED STATES MAGISTRATE JUDGE